

REMARKS

Status of the Claims:

Claims 21 – 53 are currently pending.

Claims 25 and 26 are withdrawn from consideration

Claims 1 – 20 and 54 – 75 are cancelled.

Claims 21, 27 and 47 are currently amended.

Amendments to the Claims

No new matter has been added by way of the claim amendments.

Claim 21 is presently amended to be commensurate in scope with the elected peptide sequence GKAFRR (SEQ ID NO:9). Claim 21 is also amended to correct a minor punctuation error.

Claim 27 is presently amended to correct a minor grammatical error.

Claim 47 is presently amended to change the term Cisplatinum into a lower case spelling.

I. Elections/Restrictions

Applicants acknowledge the election of the peptide sequence GKAFRR (SEQ ID NO. 9) as an election of invention. Applicants also acknowledge the withdrawal of claims 25 and 26 as not being drawn to the elected invention. Office Action page 2.

II. Claim Objections

Claims 21 – 24 and 27 – 53 are objected to because the claims have not been amended to be commensurate in scope with the peptide sequence GKAFRR (SEQ ID NO:9). Office Action page 2. Claim 21 has been amended to limit its scope to the elected peptide sequence GKAFRR (SEQ ID NO:9). Applicants respectfully request that the objection to claims 21 – 24 and 27 – 53 be withdrawn.

Claims 47 and 49 are objected to due to lack of clarity whether Cisplatinum should be capitalized or not. Office Action page 2. The term cisplatinum is a chemical synonym for the coordination compound *cis*-diamminedichloroplatinum(II), also known as cisplatin. Therefore, cisplatinum has an understood meaning in the art and is not a trademark, and may be included in the instant claims in its uncapitalized form. Applicants have amended claim 47 to change the Cisplatinum to lower case. No correction of claim 49 is required. Applicants have also amended paragraph [0042] of the specification to correct a similar capitalization error. Applicants respectfully request that the objection to claims 47 and 49 be withdrawn.

III. Sequence Objection/Compliance

The disclosure is objected to due to errors in the Sequence Listing filed November 24, 2009. Office Action page 3. In a separate submission, Applicants submit a corrected Sequence Listing and the required statement pursuant to 37 CFR 1.821(g) that the submission contains no new matter. Specifically, errors that Applicants have corrected include: 1) corrected the spelling of 'artificial' in SEQ ID NO:4; 2) deleted the position 1 miscellaneous feature of SEQ ID NO:22; 3) deleted the position 8 miscellaneous feature of SEQ ID NO:40; 4) renamed the position 10 miscellaneous feature of SEQ ID NO:40; and 5) renamed the position 12 miscellaneous feature of SEQ ID NO:40. Applicants have also added SEQ ID NOs:48-54 to include peptide sequences from the specification that were not identified in Applicants' previous amendment and Sequence Listing submission.

Applicants also address all specification sequence compliance issues similar to those in co-pending Application 11/725,135. Specifically, Applicants have amended the specification herein to add SEQ ID NO identifiers to all peptide sequences referenced in the specification.

Applicants respectfully request that the objection due to sequence compliance issues be withdrawn.

IV. Double Patenting

Claims 21 – 24 and 27 – 53 are provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 2, 8 and 17 – 36 of copending Application 11/725,135. Office Action page 4.

Applicants acknowledge the asserted nonstatutory obviousness-type double patenting rejection and respectfully request that the provisional rejection be maintained until one or more of the subject applications is in a condition for allowance. (See MPEP 804).

V. Allowable Subject Matter

The Examiner has stated that claims 21 – 24 and 27 – 53, if amended to be drawn to the peptide sequence GKAFRR (SEQ ID NO:9), would likely receive favorable consideration based on the art of record. Office Action page 5. Applicants acknowledge the allowable subject matter.

CONCLUSION

Claims 21 – 24 and 27 – 53 remain pending in the application. Applicants respectfully assert that claims 21 – 24 and 27 – 53 are patentable in view of the remarks presented herein.

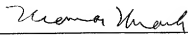
Although Applicants do not believe that any additional fees are currently due, the Director is hereby authorized to charge any fees or credit any overpayment due to Deposit Account Number 23-2426 of Winstead PC (referencing matter number 50562-P001US).

If the Examiner has any questions or comments concerning this paper or the present application in general, the Examiner is invited to call the undersigned at 713-650-2663.

Respectfully submitted,

WINSTEAD PC

Date: April 12, 2010

By: 
Thomas P. Thrash, Reg. No. 64,805
AGENT FOR APPLICANTS

Mail correspondence to :

WINSTEAD P.C.
P. O. Box 50784
Dallas, Texas 75201
Tel: 713.650.2764
Fax: 214.745.5390